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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Alan R. Bauer et al.

Appln. No.: 10/764,076

Filed: January 23, 2004

For: MONITORING SYSTEM FOR
DETERMINING AND
COMMUNICATING A COST
OF INSURANCE

Attorney Docket No: 12654-33

Examiner: Teresa S. Woods

Art Unit: 3686

Confirmation No.: 7997

TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
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Alexandria, VA 22313-1450

This application claims priority under 35 USC §120 to the following United States patent applications: 08/592,958; 09/135,034; and 09/571,650. In accordance with 37 CFR §1.98(d), copies of the references cited herein which were submitted to, or cited by, the office, in compliance with 37 CFR §1.98(a)-(c) in the earlier application may not be provided herewith. The Examiner is directed to those references cited in all Information Disclosure Statements filed in the priority United States patent applications cited above in addition to the references cited herein.

In accordance with the duty of disclosure under 37 CFR §1.56 and §§1.97-1.98, and more particularly in accordance with 37 CFR §1.97(c), Applicants hereby cite the following reference(s):

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Butler, T., "Insurance by the Mile," Letter to the Editor, The Washington Post, January 17, 1991, 2 pages.
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Civil Docket for Case No. 1:10-cv-01370-PAG, Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois et al., U.S. District Court, Northern District of Ohio (Cleveland) printed from the internet at < http://ecf.ohnd.uscourts.gov/cgi-bin/DktRpt.pl?324688388186026-L_1_0-1 > on December 22, 2010, 12 pages.
Complaint, filed June 18, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 201 pages.
Defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted, filed September 8, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 99 pages.
Defendants' Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the United States PTO filed October 14, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 339 pages.
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Memorandum of Opinion and Order (regarding Defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted) dated November 12, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Co. versus Safeco Insurance Co., et al., 10 pages.

Memorandum of Opinion and Order (regarding Defendants' Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the United States PTO) dated November 12, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Co. versus Safeco Insurance Co., et al., 9 pages.
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"Operation of an Audited-Mile/Year Automobile Insurance System-Under Pennsylvania Law," A Study Prepared for Sponsors of Pennsylvania Senate Bill SB 775 and Pennsylvania House Bill 1881 and other Interested Members of the Pennsylvania General Assembly, NOW Insurance Project for National Organization for Women, June 1992, 18 pages.
Progressive's Memorandum in Opposition to Defendants' Motion to Dismiss for Failure to State a Claim Upon which Relief may be Granted filed October 12, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 59 pages.
Progressive's Memorandum in Opposition to Defendants' Motion to Stay Litigation Pending Ex Parte Reexamination of the Patent-In-Suit by the USPTO filed October 28, 2010, Case No. 1:10-cv-01370-PAG: Progressive Casualty Insurance Company versus Safeco Insurance Company of Illinois, Safeco Insurance Company of America, Safeco Corporation, Liberty Mutual Insurance Company, Liberty Mutual Group Inc., The Ohio Casualty Insurance Company, and Open Seas Solutions, Inc., 80 pages.
PSC-200™ Intelligent Data Controller, product description, Trimble, 1994, 2 pages.
Request for Ex Parte Reexamination of U.S. Patent. No. 6,064,970 Pursuant to 35 U.S.C. § 302, 37 C.F.R. § 1.510, filed September 22, 2010, 178 pages.
"Vehicle Alert and Notification System," IBM Technical Disclosure Bulletin, Vol. 38, No. 8, August 1995, pp. 209-211.

Applicants are enclosing Form PTO-1449 (five sheets), along with a copy of each listed reference for which a copy is required under 37 CFR §1.98(a)(2). Pursuant to the undersigned attorney's obligation and duties under 37 C.F.R. §§ 1.56 and 1.98(a)(3) and (c), either English language abstracts, partial translations, or full translations are included for patent documents which are not in English for the express purpose of providing a concise explanation of the references to the Patent and Trademark Office with the opportunity to evaluate the same. Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

Applicants also respectfully request the Examiner to review the claims and the prosecution history, including any Office Actions issued by the U.S. Patent and Trademark Office and any responses filed by Applicants, for Serial No. 08/592,958 (now U.S. Pat. No. 5,797,134), Serial No. 09/571,650 (now U.S. Pat. No. 6,868,386), Serial

No. 11/868,827, and Serial No. 12/132,487, and reexamination of U.S. Pat. No. 6,064,970 (Serial No. 90/011,252).

U.S. Patent No. 6,064,970 is the subject of litigation in *Progressive Casualty Insurance Company v. Safeco Insurance Company of Illinois, et al.*, Case No. 1:10-cv-01370-PAG, in the U.S. District Court for the Northern District of Ohio. On November 12, 2010, the court stayed the litigation pending the outcome of this reexamination. Therefore, the litigation is currently closed, but will be reopened upon immediate notification of either party after the conclusion of the reexamination process.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

Applicants have calculated a processing fee in the amount of \$180.00 to be due under 37 CFR §1.17(p) in connection with the filing of this Information Disclosure Statement. Applicants have enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Information Disclosure Statement.

Respectfully submitted,

March 9, 2011

Date

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